

## **REMARKS**

### **I. Introduction**

Claims 1, 17, 22, and 31 have been previously cancelled. Claims 2-16, 18-21, 23-30, and 32-35 are pending. No new matter has been added. Reconsideration of the present application is requested.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement of January 8, 2007 and cited references.

### **II. Rejection of Claims 2-5, 9-14, 16, 19-21, 23-25, 27-30, and 32-35 Under 35 U.S.C. § 103(a)**

Claims 2-5, 9-14, 16, 19-21, 23-25, 27-30, and 32-35 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,785,901 (“Horiwitz et al.”). It is respectfully submitted that Horiwitz et al. does not render unpatentable the present claims for at least the following reasons.

As a preliminary matter, the Applicants note that although the Office Action indicates that the rejection is based on Horiwitz et al., alone, both Horiwitz et al. and U.S. Patent No. 6,704,929 (“Ozer et al.”) appear to be relied upon in rejecting the claims. The Ozer et al. application, incorporated into Ozer et al., is also discussed in the rejection.

Claim 9 recites, in relevant part, permitting or denying access to the content based on the comparison, wherein the **metadata is associated with the selected content using a URL** in connection with the selected content, and wherein the method further comprises obtaining the metadata using the URL, wherein the URL associates the metadata with the selected content.

Horowitz et al. refers to permitting and denying access to content based on metadata associated with the content. However, the Office Action admits that Horowitz et al. is silent with respect to how a particularly tuned program is associated with corresponding metadata.

The Applicants respectfully disagree with the Office Action’s combination of Ozer et al. and Horowitz et al. Ozer et al. refers to a system for tracking viewing behavior, but does not describe controlling access to content. Thus, the “data” referred to by Ozer et al. does not disclose metadata used for comparison as recited in claim 9, but rather merely to data to be captured and compiled for analysis. Thus, the Applicants respectfully submit the combination is improper.

Even if Ozer et al. is combined with Horowitz et al., the pointers in Ozer et al. link the “data” with advertisements for capture and compilation. Thus, the combination would refer

to a system with locks on programming content, where advertisement viewing statistics are captured and compiled through links to the “data.” The Applicants respectfully submit there is no motivation to modify the system by using the linked data for access control.

Therefore, the Applicants respectfully submit claim 9 is allowable over the cited references.

Similarly, claim 10 recites, in relevant part, permitting or denying access to the content based on the comparison, wherein **a pointer to the metadata is encoded in a Vertical Blanking Interval** of a signal of the selected content, and the method further comprising obtaining the metadata using the pointer. Horowitz et al. also fails to describe a pointer encoded in a Vertical Blanking Interval of a signal of the selected content. Therefore, claim 10 is allowable over the cited references for at least similar reasons as claim 9.

Claims 2-5, 11-14, and 16 depend from claim 10, and therefore are allowable over the cited references for at least the same reasons as claim 10.

Similarly, claim 21 recites, in relevant part, a processor configured to compare metadata associated with selected content and the filtering criterion of the default profile, the processor configured to permit or deny rendering of the selected content based on the comparison, wherein the processor is provided in a settop box, and wherein the processor controls rendering of the content on a television and wherein the processor is configured to obtain a pointer to the metadata, **the pointer being encoded in a vertical blanking interval** of a signal of the selected content, and wherein the processor obtains the metadata for the comparison using the pointer. Therefore, claim 21 is allowable over the cited references for at least similar reasons as claim 10.

Claims 19-20 and 23-25 depend from claim 21, and therefore are allowable over the cited references for at least the same reasons as claim 21.

Similarly, claim 27 recites, in relevant part, selecting content, the selected content having **metadata linked thereto via a pointer**. Therefore, claim 27 is allowable over the cited references for at least similar reasons as claim 9.

Claims 28-29 depend from claim 27, and therefore are allowable over the cited references for at least the same reasons as claim 27.

Claim 30 recites, in relevant part, a processor configured to obtain a pointer to metadata associated with selected content, obtain the metadata using the pointer, compare the metadata to the filtering criterion, and to permit or deny rendering of the selected content based on the comparison, wherein the processor is configured to **extract the pointer from a**

**vertical blanking interval (VBI)** of a signal of the selected content. Therefore, claim 30 is allowable over the cited references for at least similar reasons as claim 10.

Claim 32 depends from claim 30, and therefore is allowable over the cited references for at least the same reasons as claim 30.

Claim 33 recites, in relevant part, reading metadata associated with the content, wherein the metadata is read from a location indicated by **a pointer extracted from a vertical blanking interval (VBI)** of a signal of the selected content. Therefore, claim 33 is allowable over the cited references for at least similar reasons as claim 10. In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

Claim 34 depends from claim 33, and therefore is allowable over the cited references for at least the same reasons as claim 33.

Claim 35 recites, in relevant part, a processor configured to compare at least one stored filtering criterion with metadata associated with selected content, and to permit or deny rendering of the selected content based on the comparison, wherein the processor is configured to **retrieve the metadata using a pointer**. Therefore, claim 35 is allowable over the cited references for at least similar reasons as claim 10.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

### **III. Rejection of claims 6 and 26 Under 35 U.S.C. § 103(a)**

Claims 6 and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Horiwitz et al. in view of Ozer et al., and in further view of U.S. Patent Application No. 2003/0088420 A1 ("alSafadi et al.") It is respectfully submitted that the combination of Horiwitz et al. and alSafadi et al. does not render unpatentable the present claims for at least the following reasons.

Claim 6 depends from claim 10 and therefore includes all of the features recited in claim 10. As more fully set forth above, claim 10 is patentable over the cited references. alSafadi et al. does not cure the critical deficiencies set forth above. As such, it is respectfully submitted that the combination of Horiwitz et al., Ozer et al. and alSafadi et al. does not render unpatentable claim 6.

Claim 26 depends from claim 21 and therefore includes all of the features recited in claim 21. As more fully set forth above, claim 26 is patentable over the cited references. alSafadi et al. does not cure the critical deficiencies set forth above. As such, it is respectfully submitted that the combination of Horiwitz et al., Ozer et al. and alSafadi et al. does not render unpatentable claim 26.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**IV. Rejection of Claims 7, 8, 15 and 18 Under 35 U.S.C. § 103(a)**

Claims 7, 8, 15 and 18 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Horiwitz et al. in view of Ozer et al. and in further view of U.S. Patent Application No. 2003/0014750 (“Kamen”). It is respectfully submitted that the combination of Horiwitz et al. and Kamen does not render unpatentable the present claims for at least the following reasons.

Claims 7, 8 and 15 depend from claim 10 and therefore include all of the features recited in claim 10. As more fully set forth above, claim 10 is patentable over the cited references. Kamen does not cure the critical deficiencies set forth above. As such, it is respectfully submitted that the combination of Horiwitz et al., Ozer et al. and Kamen does not render unpatentable claims 7, 8 and 15.

Claim 18 depends from claim 21 and therefore includes all of the features recited in claim 21. As more fully set forth above, claim 21 is patentable over the cited references. Kamen does not cure the critical deficiencies set forth above. As such, it is respectfully submitted that the combination of Horiwitz et al., Ozer et al. and Kamen does not render unpatentable claim 18.

In addition, claim 7 recites providing the selected content **on a removable medium**. The Applicants respectfully submit that Ozer et al. teaches away from this feature. Ozer et al. refers to data available on an electronic program guide, which would not likely be available for content stored on a removable medium as referred to by Horiwitz et al. and Kamen. Therefore, one of ordinary skill in the art would not have combined Horiwitz et al., Ozer et al. and Kamen to provide access control to content on a removable medium.

Claim 8 depends from claim 7, and is therefore allowable over the cited references for at least the same reasons as claim 7.

Similarly, claim 18 recites wherein the selected content is provided on a removable media. Therefore, claim 18 is allowable over the cited references for at least similar reasons as claim 7.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**CONCLUSION**

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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By:



Michelle Carniaux  
Reg. No. 36,098

KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200  
**CUSTOMER NO 26646**